

REMARKS

Claims 10, 12-16, 28, and 30-38 are pending in the present application.

Claims 10, 12-16, 28, and 30-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir et al. (U.S. Patent Number 5,652,893) (hereinafter “Ben-Meir”) in view of Jones et al. (U.S. Patent Number 6,067,286) (hereinafter “Jones”). Applicant respectfully traverses this rejection.

Claims 35-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-Meir and Jones in view of Weinstein (U.S. Patent Number 5,939,799). Applicant respectfully traverses this rejection.

Applicant’s remarks from previous responses to Office actions are maintained herein. The following additional remarks address the new ground of rejection. More particularly, the Examiner asserts that the combination of Ben-Meir and Jones teach or suggest the combination of features recited in Applicant’s claims. Specifically, the Examiner asserts “Ben-Meir teaches the lines being redundant (See Fig. 1, Col. 2, lines 1-8, and Col. 3, lines 15-38). This is interpreted as a first redundant source of power adapted to provide power to a first split path, and a second source of power adapted to provide power to a second split path, wherein the first and second split paths are adapted to transmit signals.” The Examiner acknowledges Ben-Meir does not teach does not teach a first portion and a second portion of a message, respectively in parallel from a source to a destination. However, the Examiner asserts “Ben-Meir does teach redundant transmission and reception lines (see col. 2, lines 2-4).”

The Examiner further asserts “Jones teaches a network switch with two separate switch fabrics and dividing up a received bit stream into cells for the switch fabric (See col. 1, lines 5-10, Col. 1, lines 19-25, and Col. 59-62).” The Examiner further asserts it would have been obvious to combine the two switch fabrics of Jones with the redundant

power supplies of Ben-Meir, because both Jones and Ben-Meir desire to use redundancy in order to be as close to a hundred percent availability as possible.

Applicant submits it appears that in his discussion of prior art Ben-Meir teaches redundant power supply elements (e.g., power elements, controllers and lines). However, Ben-Meir **does not teach redundant lines being used in parallel to convey *respective portions of a message***. More particularly, Ben-Meir only teaches that redundant power elements are used in parallel and not over redundant lines, nor to power redundant signal path elements. This is clearly different than having a redundant source of power for each split path, wherein each split path conveys respective portions of a message in parallel.

Jones discloses at col. 1, lines 19-42

"receive the bit stream from the external link and to divide it up into cells for presentation to the switch fabric, and output controllers or transmitters, which serve to convert the separate cells from the switch fabric into a continuous bit stream again for forwarding on an appropriate external link.
Since a fault in the switch fabric could cause failure of the complete switch, duplicate switch fabrics connected in parallel to the slot controllers are used. If a fault is detected in one switch fabric, switching is transferred to the second switch fabric, while the first is removed from use. It is possible to designate one of the slot controllers as a system controller arranged to monitor operation of the switch. For example, the system controller can send out "health check" cells to each other controller, to which the other slot controllers are arranged to respond by returning the cell to the system controller, which monitors the responses received. If the system controller does not receive all responses, this may be due to a fault in the switch fabric, and the system controller then switches from the first to the second switch fabric. This can result in a cell loss.
A further problem with such an arrangement is that, although the switch fabric is fully duplicated, the second switch fabric remains inactive until it is required."
(Emphasis added)

From the foregoing description in Jones, it is clear that Jones is teaching a redundant switch fabric that is used in a standby configuration. Jones does not teach that each path within a given switch fabric being a split path. Jones is simply teaching receiving a bit stream from an outside source and breaking up the bit stream into cells, which is how ATM networks operate, and then on the output side, reorganizing the cells

into a bit stream for transmission on an external link. Furthermore, the bit stream of Jones does not necessarily constitute a single message. The implication is that there no guarantee nor supposition can be made that all cells that make up a given message will be sent on different paths. Applicant argues that it is conceivable that all cells of a given message may be sent on the same path. In addition, Jones does teach that both fabrics may be operated simultaneously. However, Jones also teaches that doing so may allow the different fabric paths may be allocated for cells having different priorities. Further, even in the simultaneous fabric mode, Jones does not indicate that there is any functionality to convey a first portion of a message on one split path and a second portion of the same message on a second split path.

Accordingly, Applicant submits Jones does not teach “a first split path; … and a second split path, wherein the first and second split paths are adapted to convey signals corresponding to a first portion and a second portion of a message, respectively in parallel from a source to a destination.” (Emphasis added)

Furthermore, in regard to the rejection of claims 13 and 13, Applicant submits neither Ben-Meir nor Jones teach that each redundant power source is additionally broken into redundant power sources, thus making each split path have its own redundant supply. Accordingly, Applicant submits neither Ben-Meir nor Jones teaches or suggests “…the first redundant source of power comprises a first and a second power supply adapted to provide a first and a second portion of power to the first split path,” as recited in Applicant’s claim 12. Further, Applicant submits neither Ben-Meir nor Jones teaches or suggests “… the second redundant source of power comprises a third and a fourth power supply adapted to provide a third and a fourth portion of power to the second split path,” as recited in Applicant’s claim 13.

Lastly, Applicant submits even if, (*arguendo*), the references taught what the Examiner is suggesting, the Examiner has not established a *prima facie* case of obviousness. Applicant challenges the Examiner’s assertion that “it would have been obvious … because both Jones and Ben-Meir show a desire to use redundancy in order to

be as close to a hundred percent availability as possible." Applicant submits this is a generalized statement and in no way shows either reference should or could be combined with the other. The mere fact that both references are directed toward redundancy is not sufficient motivation to suggest combining the references in the manner suggested by the Examiner. Applicant submits according to MPEP §2143.01 III, fact that references can be combined or modified is not sufficient to establish prima facie obviousness. Applicant submits neither reference suggests the combination.

Weinstein is relied upon by the Examiner for disclosing using a single capacitor to provide power to a system during a switchover from a primary power supply to a backup secondary power supply thereby keeping the voltage from sagging too low during the switching time. Thus, Weinstein does not teach the features discussed above.

Thus for the reasons given above, Applicant submits claim 10, along with its dependent claims, patentably distinguishes over Ben-Meir in view of Jones, and over Ben-Meir and Jones, in view of Weinstein.

Applicant's claim 28 recites language that is similar to the language recited in claim 10. Accordingly, Applicant submits claim 28, along with its dependent claims, patentably distinguishes over Ben-Meir in view of Jones, and over Ben-Meir and Jones, in view of Weinstein for at least the reasons given above.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-53300/SJC.

Respectfully submitted,



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